IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.5136 OF 2007

Dated : March 26, 2007

Between:

Smt. Lakshmamma

Petitioner

AND

The Station House Officer,
Rolla Police Station, Rolla,
Ananthapur District and another.

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.5136 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R. VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a fax message', dated 08.03.2007, by one Smt. Lakshmamma, W/o. Gurrappa, Midigesi, Madhugiri Taluk, Tumkur District, Karnataka State, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her husband was illegally detained by the Police, Rolla Police Station, Anantapur District, for the last ten days and she apprehends danger to his life at the hands of the police.

3. In response to the notices, issued by this Court, the Sub-Inspector of Police, Rolla Police Station, Anantapur District, filed counter-affidavit stating, *inter alia*, that on the intervening night of 05/06.03.2007 i.e., at 11.30 P.M., while he was on patrolling duty, along with his staff, in and around Rolla Police Station limits, the alleged detenu was moving under suspicious circumstances in front of Andhra Pragathi Gramina Bank, Rolla, by covering his face with a cloth and trying to unlock the main door of the said Bank; that they surrounded the alleged detenu, caught hold of him, and when enquired, he initially gave prevaricate reply and subsequently revealed his identity; that, on suspicion, he searched the alleged detenu in the presence of mediators and found a bunch of keys and an iron rod in his waist; that he arrested the alleged detenu, brought him to the police station at about 12.30 A.M., on 06.03.2007, registered a panchanama as a case in Crime No.7 of 2007, for the offence punishable under Section 41 (1) of the Code of Criminal Procedure; that the alleged detenu was produced before the Mandal Executive Magistrate, Rolla, Anantapur District, on 06.03.2007, who

passed orders under Section 109 of the Code of Criminal Procedure, directing the alleged detenu to execute a bond to keep good behaviour for a period of six months, along with surety for a sum of Rs.25,000/- and that after execution of the bond, before the Mandal Executive Magistrate, the alleged detenue was let off on the same day.

4. In view of the revelations in the counter-affidavit, we do not see any merit in the allegations levelled in the fax message, which is the basis for taking up this writ petition.

5. For the foregoing, the writ petition fails and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D.APPA RAO

26TH MARCH 2007
MAS/KRK